

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

IN RE:

Reagor-Dykes Motors, LP, et al.

*Debtors,*

Case No. 18-50214-rlj-11  
Jointly Administered

Dennis Faulkner, Creditors' Trustee,

*Plaintiff*

vs.

Ford Motor Credit Company, LLC,

*Defendant*

Adversary No. 20-05005-rlj

**CREDITORS' TRUSTEE DENNIS FAULKNER'S ANSWER  
TO FORD MOTOR CREDIT COMPANY, LLC'S FIRST COUNTERCLAIM**

Creditors' Trustee Dennis Faulkner ("the Trustee") answers Ford Motor Credit Company, LLC's ("FMCC's") First Counterclaim [Dkt. 84] as follows:

The First Counterclaim contains no factual allegations that require a response. To the extent that a response is required, the Trustee denies that FMCC is entitled to the requested relief and otherwise denies the allegations in FMCC's First Counterclaim.

**DEFENSES**

The Trustee asserts the following defenses to FMCC's First Counterclaim:

**FIRST DEFENSE**

The counterclaim fails to state a claim upon which relief can be granted because Fed. R. Bankr. P. 7008(b) was repealed in 2014.

**SECOND DEFENSE**

No provision in the Bankruptcy Code or the Bankruptcy Rules supports an award of attorney's fees in this adversary proceeding, and such an award would not serve the interests of justice.

**PRAYER**

The Trustee requests that this Court dismiss the First Counterclaim and grant the Trustee the other relief sought in the Trustee's pleadings.

Date: 13 May 2021

Respectfully submitted,

**BRACEWELL LLP**

By: /s/ Bryan S. Dumesnil

Bryan S. Dumesnil  
State Bar No. 00793650  
bryan.dumesnil@bracewell.com  
Bradley J. Benoit  
State Bar No. 24012275  
brad.benoit@bracewell.com  
Diane M. Crabtree  
State Bar No. 24046966  
diane.crabtree@bracewell.com  
711 Louisiana, Suite 2300  
Houston, Texas 77002  
(713) 223-2300 - Telephone  
(800) 404-3970 - Facsimile

**STRICKLIN LAW FIRM, P.C.**

By: /s/ Samuel M. Stricklin

Samuel M. Stricklin  
State Bar No. 19397050  
sam.stricklin@stricklaw.pro  
2435 N. Central Expy  
Suite 1200, Palisade, Bldg. II  
Richardson, TX 75080  
(972) 238-8687 - Telephone

**COUNSEL TO CREDITORS' TRUSTEE  
DENNIS FAULKNER**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record pursuant to the Federal Rules of Civil Procedures via the Court's electronic filing service on May 13, 2021.

Kevin M. Sadler  
State Bar No. 17512450  
kevin.sadler@bakerbotts.com

**BAKER BOTTS LLP**  
1001 Page Mill Road  
Building One, Suite 200  
Palo Alto, California 94304  
(650) 739-7518 – Telephone  
(650) 739-7618 – Facsimile

Michael S. Goldberg  
State Bar No. 08075800  
michael.goldberg@bakerbotts.com

**BAKER BOTTS LLP**  
One Shell Plaza  
910 Louisiana Street  
Houston, TX 77002  
(713) 229-1234 – Telephone  
(713) 229-1522 – Facsimile

Craig A. Leslie  
cleslie@phillipslytle.com

Jacob S. Sonner  
jsonner@phillipslytle.com

**PHILLIPS LYTLE LLP**  
One Canalside  
125 Main Street  
Buffalo, New York 14203  
716-847-8400 – Telephone  
716-852-6100 – Facsimile

/s/ Bryan S. Dumesnil  
Bryan S. Dumesnil